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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/821,108	04/08/2004	Frank A. Morello JR.	UTXC:768US

32425  
FULBRIGHT & JAWORSKI L.L.P.  
600 CONGRESS AVE.  
SUITE 2400  
AUSTIN, TX 78701

CONFIRMATION NO. 8228  
FORMALITIES LETTER



\*OC000000013020687\*

Date Mailed: 06/22/2004

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

**FILED UNDER 37 CFR 1.53(b)**

*Filing Date Granted*

**Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 385 to complete the basic filing fee for a small entity.*
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$334** as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

**SUMMARY OF FEES DUE:**

08/27/2004 FFANAI2 00000071 10821108

Total additional fee(s) required for this application is **\$784** for a Small Entity

01 FC:2001	385.00	OP
02 FC:2051	65.00	OP
03 FC:2202	189.00	OP
04 FC:2203	145.00	OP

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$334

- \$189 for 21 total claims over 20.
- \$145 for multiple dependent claim surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*B. To*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



# FULBRIGHT & JAWORSKI L.L.P.

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August 23, 2004

## CERTIFICATE OF MAILING 37 C.F.R 1.8

I certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: MS MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 23, 2004

Date

Mark T. Garrett

**MS MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RE: *U.S. Patent Application No. 10/821,108 entitled "MEDICAL DEVICES AND RELATED METHODS" – Frank A. Morello*  
*Our reference: UTXC:768US*  
*Client reference: MDA03-003*

Sir:

Please find enclosed:

- (1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed June 22, 2004;
- (2) Declaration;
- (3) Power of Attorney;
- (4) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b)-Filing Date Granted;
- (5) Check in the amount of \$784.00; and
- (6) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

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Commissioner for Patents  
August 23, 2004  
Page 2

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included, the Commissioner is authorized to deduct or credit the appropriate fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Respectfully submitted,



Mark T. Garrett  
Reg. No. 44,699

MTG/mar  
Encl: as noted



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Frank A. Morello

Serial No.: 10/821,108

Filed: April 8, 2004

For: MEDICAL DEVICES AND RELATED  
METHODS

Group Art Unit: 3736

Examiner: Unknown

Atty. Dkt. No.: UTXC:768US

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37 C.F.R 1.8

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August 23, 2004

Date

Mark T. Garrett

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION FILED UNDER 37 CFR 1.53(B)**

**MS MISSING PARTS**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application filed under  
37 CFR 1.53(b), dated June 22, 2004, enclosed are:

- (a) Declaration executed on behalf of Frank A. Morello;
- (b) A Power of Attorney on behalf of Board of Regents, The University of Texas  
System;

- (c) Our check in the amount of \$784.00 to cover the basic filing fee (\$385.00 - utility small entity); surcharge for late filing (\$65.00); additional claims fee (\$334.00); and
- (d) A copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 CFR 1.53(b).

An Assignment to Board of Regents, The University of Texas System and a check for \$40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/UTXC:768US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Mark T. Garrett  
Reg. No. 44,699  
Attorney for Applicant

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600 Congress Avenue, Suite 2400  
Austin, Texas 78701  
(512) 474-5201

Date: August 23, 2004